

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

REPUBLIC STEEL,

Defendant.

Civil Action No. 1:24-cv-176

**UNITED STATES' UNOPPOSED MOTION FOR ENTRY OF SETTLEMENT
STIPULATION AND CONSENT JUDGMENT**

The United States, on behalf of the United States Environmental Protection Agency (“EPA”), seeks entry of the attached proposed Settlement Stipulation and Consent Judgement (“Consent Judgment”), which resolves claims against Defendant Republic Steel under Clean Water Act (“CWA”) Sections 301 and 309, 33 U.S.C. §§ 1311 and 1319, through payment of a civil penalty.

The United States’ concurrently filed Complaint alleges Republic Steel violated its National Pollutant Discharge Elimination System (“NPDES”) permits and discharged pollutants without a permit from two of its industrial facilities, one located at 1807 E. 28th Street, Lorain, Ohio 44055 (“Lorain Facility”) and a second at 2633 Eighth Street NE, Canton, Ohio 44704 (“Canton Facility”) (collectively, “Facilities”). The Complaint also details three Administrative Orders on Consent (“AOCs”) that EPA issued to Republic Steel requiring it to address its NPDES permit violations and unauthorized discharges at its Facilities.

Prior to filing the Complaint, Republic Steel indefinitely idled the Lorain Facility and permanently shut down the Canton Facility. Republic Steel also sought updated NPDES permits

to reflect the Facilities' changed status. Further, Republic Steel represented to EPA that it had satisfied the requirements of the three AOCs at its Facilities. Because of these developments, the United States and Republic Steel agreed that no injunctive relief was required and that payment of a civil penalty and a consent judgment were sufficient to resolve the claims.

The Consent Judgment requires Republic Steel to pay a total of \$700,000 as a civil penalty in three equal installment payments. This amount is based on the United States' financial expert's review of Republic Steel's finances and determination that Republic Steel has a limited ability to pay a civil penalty. The Consent Judgment includes Republic Steel's certification that: (1) it has completed all requirements of the three AOCs issued by EPA; (2) the Lorain Facility will remain idle with no current plans to resume activities; and (3) the Canton Facility is permanently shut down with no intention to reopen it. Finally, the Consent Judgment terminates the three AOCs.

Republic Steel was represented by counsel during the negotiations of the Consent Judgment. The United States provided Republic Steel's counsel copies of the Complaint and this Motion prior to filing. Republic Steel does not oppose the relief requested in this Motion. Moreover, the United States has agreed that Republic Steel need not file an answer to the Complaint unless or until this Court expressly declines to enter the Consent Judgment.

The Consent Judgment is fair, adequate, and reasonable, and it is consistent with the goals of the CWA and the public interest. The United States respectfully requests that the Court sign and enter the proposed Consent Judgment as a final judgment.

Respectfully submitted,

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

Dated: 1/29/2024

JESSICA
s/ DURNEY



Digitally signed by
JESSICA DURNEY
Date: 2024.01.29 09:14:28
-05'00'

JESSICA DURNEY
SAMANTHA RICCI
Trial Attorneys
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Phone: (202) 514-4592 (Durney)
Phone (202) 514-3856 (Ricci)
Email: jessica.durney@usdoj.gov
Email: Samantha.ricci@usdoj.gov

OF COUNSEL:

JEFFREY CAHN
Associate Regional Counsel

CARLENE DOOLEY
Assistant Regional Counsel
U.S. Environmental Protection Agency

JACQUELINE CLARK
Attorney
U.S. Environmental Protection Agency
OECA – OCE – Water Enforcement Division

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2024, I caused the Unopposed Motion for Entry of Settlement Stipulation and Consent Judgement and the Settlement Stipulation and Consent Judgment to be served through electronic mail on Joseph P. Koncelik, joseph.koncelik@tuckerellis.com, counsel for Republic Steel.

Dated: 1/29/2024

JESSICA
s/ DURNEY

Digitally signed by JESSICA
DURNEY
Date: 2024.01.29 16:51:13
-05'00'

JESSICA DURNEY
Trial Attorney
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Phone: (202) 514-4592
Email: jessica.durney@usdoj.gov